

PATENT  
Attorney Docket No.: COO-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF TRANSMISSION BY "FACSIMILE"

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number (703) 872-9306 on September 9, 2004.

  
Harry Macey

In re Application of:

William Elkins

Serial No.: 09/127,256

Filing Date: July 31, 1998

Title: COMPLIANT HEAT EXCHANG  
PANEL

Examiner: L. Leo

Group Art Unit: 3753

## NOTICE OF APPEAL

Mail Stop AF  
Commissioner for Patents  
Alexandria, VA 22313RECEIVED  
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SEP 09 2004

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 9, 2004, finally rejecting claims 3-5, 8, 9, 12, 14, 17, 19-20 and 22-24.

## I. Notice of Appeal fee (37 C.F.R. § 1.17(b)):

- ☐ The fee for the notice of appeal is enclosed by check in the amount of \$\*.
- ☐ The Appeal Fee is not required.
- ☒ Authorization to charge the Notice of Appeal Fee of \$165.00 and any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this Notice of Appeal, or to credit any overpayment to Deposit Account No. 50-1947 referencing Attorney Docket No. COO-1 is provided on the Fee Transmittal. A duplicate copy of the Fee Transmittal is enclosed for that purpose.

## II. Small Entity Status under (37 C.F.R. § 1.27):

☒ Small entity status is claimed.

## III. Extension of Time:

On April 20, 2004, Applicant submitted a reply to the outstanding final Office Action (final rejection) dated March 9, 2004. Since the reply was submitted within two months from the date of the final rejection and no advisory action is believed to have been mailed, no extension fee is believed to be due. MPEP 714.13. However, if the Commissioner deems that an extension fee is due, Applicant petitions for a three month extension to extend the time for the response to September 9, 2004 and authorizes the Commissioner to charge the required fee to Deposit Account No. 50-1947, referencing Attorney Docket No. COO-1.

Respectfully submitted,

Date: September 9, 2004

By: Harry J. Macey  
Registration No. 32,818

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